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Office of Administrative Law Judges
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DATE ISSUED: OCTOBER 2, 2000

CASE NO.: 2000-LHC-372

OWCP NO.: 07-142526

IN THE MATTER OF

WILLIAM RICHARDSON,
Claimant

v.

TRANSOCEAN TERMINAL OPERATORS,
Employer

and

SIGNAL MUTUAL ASSURANCE ASSOC., LTD.,
Carrier

APPEARANCES:

James E. Vinturella, Esq.
On behalf of the Claimant

Douglas P. Matthews, Esq.
On behalf of the Employer and Carrier

Before: Clement J. Kennington
Administrative Law Judge

DECISION AND ORDER

This is a request for modification of benefits under the Longshore and Harbor Workers'

Compensation Act (the Act), 33 U.S.C. § 901, et. seq., filed by Transocean Terminal Operators (Employer) and Signal Mutual Assurance Assoc., Ltd., (Carrier) seeking a reduction in benefits being paid to William Richardson (Claimant). The issues raised by the parties could not be resolved administratively, and the matter was referred to the Office of Administrative Law Judges for a formal hearing. The hearing was held before me on July 12, 2000, in Metairie, Louisiana.

At the hearing all parties were afforded the opportunity to adduce testimony, offer documentary evidence, and submit post hearing briefs in support of their positions. Claimant testified and introduced nine exhibits, all of which were admitted into evidence, (CX-1 to CX-9), including a July 8, 1999, letter from Thomas H. Brooks, Jr., to Dr. Jay French concerning Claimant's then current physical condition; a May 14, 1998 letter from Mark H. Ellis, with the International Longshoremen's Association (ILA) concerning Claimant's ineligibility for rehire with ILA; Dr. French's deposition and medical records; medical records from Dr. A.J. Lombardo dated January 30, 1997; Diagnostic Imaging Service's MRI of March 19, 1997 and March 24, 1997; Employer contact sheets from September 3, 1999 through December 17, 1999; November 5, 1999, State of Louisiana, Orleans Parish Juvenile Court documentation verifying Claimant's follow-up on job leads; and correspondence from Anne Adams to Claimant concerning his application for a job with Hospitality Enterprises.

Employer introduced twenty-one exhibits (EX-1 to EX-21), which were admitted into evidence, including a Request for Modification Hearing filed by Employer/Carrier on June 29, 1999 with attached exhibits; OWCP-5 completed by Dr. J. R. French, Jr., dated April 5, 1999; vocational rehabilitation report of June 23, 1999; letter by Nancy Favalora to Dr. French, dated May 18, 1999; video film of Claimant; ten reports by Dr. French concerning Claimant; Dr. J. Monroe Laborde's November 5, 1998 report concerning Claimant; docket master sheet of Orleans Parish Criminal District Court dated June 1, 1999; an October 5, 1998 and May 22, 2000 report by Favalora concerning Claimant; an undated letter from Favalora to Employer/Carrier's counsel concerning suitable alternative employment; and Employer's exhibits from the first proceedings.

Post-hearing briefs were filed by the parties. Based upon the stipulations of the parties, the evidence introduced, my observation of the witnesses' demeanor, and the arguments presented, I make the following Findings of Fact, Conclusions of Law, and Order.

I. STIPULATIONS

At the commencement of the hearing, the parties stipulated (JX-1) and I find:

1. Claimant was injured during the course and scope of his employment with Employer on December 18,1996.

2. Claimant's average weekly wage at the time of the injury was $434.86.

3. Claimant was paid temporary total disability from December 1996 to September 10, 1997.

4. Claimant was paid permanent total disability from September 11, 1997 to the present.

II. ISSUES

The following unresolved issue was presented by the parties:

1. Whether Claimant is permanently and totally disabled.

III. STATEMENT OF THE CASE

A. Chronology and Testimony of Employer Witness, Nancy Favalora:

Claimant was deemed permanently and totally disabled in my decision of January 8, 1999, Employer seeks modification of that decision alleging that Claimant is partially rather than totally disabled.

Nancy Favalora (Favalora), a rehabilitation counselor, performed a labor market survey on June 23, 1999. (EX-3). In October, 1998, Favalora completed a vocational rehabilitation evaluation and labor market survey (EX-21). The 1998 vocational rehabilitation evaluation indicated Claimant had a drivers' license, did not own a vehicle, but had use of a vehicle. (Tr. 66-70). He attended school through the sixth grade but was not able to read or write. Claimant had been a member of the ILA since 1990 as an A2 cardholder, during which time he worked for a number of companies. His duties included loading trucks and pallets. Claimant's employment history included tank cleaning, fueling and parking tanker trucks, and he previously held a Class D driver's license and worked for a hotshot driving company for about two years.

At the initial hearing in October 1998 Favalora, based upon Dr. French's assessment that Claimant could do medium work, identified seven entry-level, unskilled positions which Claimant could allegedly perform. In April 1999, Dr. French completed a more detailed assessment of Claimant's work capacity (OWCP-5) indicating Claimant could lift fifty to seventy-five pounds on an intermittent basis, with bending, squatting, climbing, kneeling and twisting limited to two to three hours daily. (EX-2). Subsequently, Favalora completed the June 23, 1999 labor market survey, which identified the following jobs she felt would fit within the restrictions set forth in the OWCP-5:

(1) A laundry washer position, where the worker will sort linens from various locations throughout the hotel. The worker will place linens in washers and dryers, folding the linens when the cycle is complete. On ths job training is provided, with no specific educational requirements. The worker will alternate standing and walking and may sit during breaks. Lifting is up to fifty pounds on an occasional basis. Wages begin at $5.15 hourly.

(2) A steward position, where the worker will be placed in the food services department of a hotel. The worker will push trays of glasses and plates through a machine which washes them. After the washing cycle is complete, the worker will stack the plates and glasses. The job is repetitive. On the job training is provided, with no specific educational requirements. The worker will alternate standing and walking and may sit during breaks. Lifting is less than fifty pounds. Wages begin at $6.00 hourly.

(3) A shuttle bus driver position, where the worker will drive an automatic transmission shuttle bus, transporting guests to and from the airport to different hotels around the city. The worker must have a good driving record and a chauffeurs license. The employer performs a criminal background check, drug screen and DOT physical. A high school degree is not required. The position is sedentary and the worker can alternate postural positions between routes. The worker will get in and out of the shuttle bus by climbing two to three stairs. The worker will occasionally assist guests with their luggage. Lifting is less than thirty pounds. Wages begin at $5.50 hourly plus tips.

(4) A janitor position, where the worker will clean different office buildings throughout the city. The worker will work as part of a team to perform dusting, sweeping, mopping, vacuuming and emptying trash cans. On the job training is provided, with no specific educational requirements. The worker must be able to follow oral directions. The worker will alternate standing and can sit during breaks. The worker will occasionally bend to pick up small trash cans. The larger trash cans and buckets are on wheels and the dust pans have long handles. Lifting is less than twenty pounds. Wages begin at $5.15 hourly.

(5) A machine operator position, where the worker will operate a machine involved in the production of neckties. On the job training is provided to do rough sewing. The worker will be required to take a manual dexterity test. There are no specific educational requirements. The majority of the machines are operated by pushing buttons with the hand and not using a foot pedal. This is a sedentary position and the worker can stand during breaks. Lifting is less than fifteen pounds. Wages begin at $5.15 hourly during training and then the worker is paid by production which averages $6.00 hourly.

The aforementioned jobs were sent to Dr. French on May 18, 1999. He subsequently approved all of the positions, which were then outlined in Favalora's June 23, 1999 labor market survey. (EX-3; EX-4). Favalora testified that Kerry Wiltz, an employee in Favalora's office, allegedly contacted each of

the above named employers to determine job availability and in so doing apprised each employer about Claimant's physical and mental limitations. However, Favalora admittedly was not present when Wiltz contacted these employers and had no written documentation to support her allegations that Wiltz in fact apprised the employers about Claimant's restrictions. (Tr. 95). Favalora further testified that the only assignment sheet she possessed on Claimant was a 1999 meeting she had with Claimant and the sheet documented his self-presentation as good, which was consistent with the testimony by Claimant witness, Anne Adams, presented below that Claimant's self-presentation was good when applying for a job at Hospitality. (Tr. 24-25, 99).

Favalora sent another letter to Dr. French dated May 22, 2000, in which she again identified the steward position and machine operator position described above, as well as the following additional positions:

> (1) A linen attendant position, where the worker will feed linens into a machine which washes them. He will also receive linens from the dryer to fold. The worker will fold linens such as sheets, towels and pillowcases. The worker can sit while receiving linens to fold, and alternates sitting, standing and walking. Lifting is less than twenty pounds, with frequent reaching and handling required. No repetitive bending is required.
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> (2) A utility worker position, where the worker is responsible for loading a large dishwasher with plates, glasses, pots and silverware. The worker will on occasion wash dishes and pots by hand. The worker will polish silver, fold napkins and assist in setting up the kitchen area for the cooks. On the job training is provided. The worker alternates standing and walking while working, and may sit during breaks and a half hour lunch period. The worker will on occasion lift and carry twenty to fifty pounds. Frequent reaching and handling is required. No repetitive bending is required.
>
> (3) A bread packer position, where the worker will package bread into bags. The worker is responsible for putting a set number of pieces of bread into each bag. The worker will tie a string around the top of the bag after packaging the bread. The worker may sit or stand as needed. He will on occasion assist with loading the delivery vans. He will alternate sitting, standing and walking, with lifting less than twenty pounds. The worker will on occasion reach to a rack approximately six feet high in order to take down a tray of cooked bread. Frequent reaching and handling is required.

Dr. French approved all of the positions. (Tr. 78; EX-18).

Favalora testified that after Claimant applied for the identified positions in September 1999, she contacted Wemco, one of the identified employers on June 26, 2000. Favalora spoke with Priscilla Palazzalo, who stated that she remembered Claimant coming in asking for his contact sheet to be signed. Claimant was allegedly not hired because he had body odor. (Tr. 71-72, 100). In addition, Favalora

believed that if Claimant had informed potential employers that he could do medium duty work, instead of the light duty work that Claimant described himself as being capable of, it would have created a more employable picture of Claimant in the positions where lifting over twenty pounds was required. (Tr. 79). Nonetheless, Favalora testified that several of the employers she contacted following Claimant's job interviews indicated that they would reconsider him for a future job. (Tr. 83-84).

Favalora testified that once the labor market survey was completed on June 23, 1999, it was sent to Employer/Carrier's counsel. At that time, no copy was provided to Claimant. (Tr. 88-89). Knowing that Claimant cannot read or write, when Employer's counsel sent Claimant's counsel a copy of the labor market survey on July 21, 1999, contact names, phone numbers and addresses were omitted. (Tr. 89-92; EX-20). With the assistance of counsel, Claimant identified the addresses of the employers and in early September 1999 followed up on all job leads provided by that June 23, 1999 labor market survey.

Favalora testified that she was not trying to make Claimant's job application process more difficult by omitting the contact names, phone numbers and addresses from the copy of the labor market survey sent to him. (Tr. 93-94). Favalora testified that she never provides contact people and that she usually provides an address, and could give no reason as to why that information was omitted, but for her assumption that there would be no reason to call the potential employers.

Claimant followed up on all of the job leads provided to him by Favalora. Specifically, Claimant applied in person with the following employers, as identified by Favalora: (1) Service Master on River Road; (2) Service Master in Algiers; (3) Wemco, Inc.; (4) Hyatt Regency Hotel; (5) Hilton New Orleans Riverside; and (6) Hospitality Enterprises. Moreover, Claimant, on his own initiative, followed up on job leads and applied in person with the following employers: (1) Narreau's Supermarket; (2) Lenny's Podners Barbeque; (3) Gloria's Grocery; (4) Jefferson Auto Auction Outlet; (5) True Value Hardware; (6) Magnolia Liquor; (7) Dixie Building Material; (8) United Tire; (9) Systek; (10) City Wholesale; (11) CX Transportation; (12) Material Delivery Service; and (13) Jack's Beverages.

B. Claimant's Testimony

Claimant testified that he continues to see Dr. French every two to three months and Dr. French prescribes medication upon said visits. (Tr. 40-41). The medication does not prevent Claimant from driving and he has bought a car since his previous hearing before me in October 1998. Claimant has a pending Social Security Disability claim, and has not worked for a salary for anyone since his December 18, 1996 workplace accident. (Tr. 108-09). Claimant testified that he tried to collect cans and sell pies intermittently during a six-month period for cash.

Claimant testified that when Dr. French released him to return to work he attempted to acquire

employment on the riverfront through ILA, but was denied rehire as he was not a member of a regular gang and would have had to avail himself to all types of work, including heavy duty, in order to be rehired through ILA. (Tr. 41; CX-4). Claimant subsequently sought employment via several different resources, including Favalora's labor market survey and a job agency. (Tr. 42).

Aside from recounting his work history and the continued back and neck pain that he endures due to his December 18, 1996 workplace accident, Claimant testified in detail concerning his applications for employment with each of the potential employers identified by Favalora in her June 23, 1999 labor market survey, as well as the thirteen additional potential employers that Claimant sought employment from on his own initiative.

Claimant testified that he is unable to fill out job applications on his own. (Tr. 105-07). Claimant began job hunting in September 1999, when his counsel provided him with a copy of the employer contact sheet containing the names of potential employers, as well as contact numbers and addresses, which had been looked up by Claimant's counsel. (Tr. 43-48, 112-26; EX-20). Claimant further testified that he did not apply for the six jobs presented to him prior to the first hearing, as such jobs were presented less than one week prior to that October 7, 1998 hearing and he did not even remember getting a document identifying those six jobs.

I note that in September 1999 Claimant, in fact, applied for four of those six jobs as they were again presented in Favalora's June 1999 labor market survey. (Tr. 132-37; EX-21). Claimant testified that he did not apply for employment prior to September 1999 because he has not had to search for work in the past and did not know how to look for limited-duty employment. (Tr. 142-44). Furthermore, Claimant did seek employment on the riverfront through ILA prior to the first hearing before me in October 1998, but was denied rehire. (Tr. 41-42).

Claimant always presented himself to potential employers in a neat manner and testified that he always used deodorant. (Tr. 112). He informed potential employers of his prior work experience as they inquired about such and only included on the applications he completed for employment the information included on a form application, which was completed by Favalora's office to assist Claimant in securing a job, as Claimant is functionally illiterate. (Tr. 138-40).

Concerning the potential employment with Hospitality Enterprises (Hospitality), about which Favalora testified above and Anne Adams testified below, Claimant testified that Hospitality did not inquire about driving experience, and any information they derived about Claimant having no driving experience must have been obtained from his application for employment, which only included the information Favalora's office included on the form application they completed to assist Claimant in securing employment.

Claimant testified that his counsel also gave him contact sheets, which were to be completed by the potential employers Claimant applied with to demonstrate that he had in fact applied for such

employment. (Tr. 118-19). Claimant was unable to complete the contact sheets himself as he cannot read and write. Claimant testified that he did not inform potential employers of his lawsuit, yet some employers did not want to complete the contact sheet. Moreover, Claimant had verification of his job contacts from the Orleans Parish Juvenile Court due to a then pending child support issue and a need to prove his job search efforts to that Court. (Tr. 127-29, CX-5).

As previously discussed above, Claimant applied in person with Service Master on River Road and in Algiers, which were janitorial positions Claimant felt he could perform. However, neither location offered Claimant a position. (Tr. 48-52). Similarly, Claimant applied in person with Wemco, the Hyatt Regency Hotel, the Hilton New Orleans Riverside and Hospitality, all of which positions Claimant felt that he could perform. However, none of these potential employers offered Claimant a position. Moreover, Claimant, on his own initiative, followed up on job leads and applied in person with thirteen additional potential employers, as well as visiting the unemployment office to inquire about possible porter work. (Tr. 61-64, 129-30). Yet, Claimant was unable to obtain a position with any such employers.

Claimant testified that when questioned by potential employers about why he had not worked since 1996, he admitted that he had a back injury in 1996, for which he was treated and released to work light-duty. (Tr. 52-55). Favalora directed Claimant not to tell people on a job interview that he had an injury, but instead to write "I will discuss this with you" on applications that inquired about why Claimant left his position with Employer in December 1996. (Tr. 56-60). Accordingly, Claimant discussed his workplace injury with potential employers when they inquired about such. Claimant could not recall exactly what he told potential employers, but for the fact that he was released to do light-duty work, which were the orders initially issued by Dr. French on September 11, 1997. Dr. French subsequently changed that restriction from light-duty to medium-duty, which change in work restrictions Claimant did not inform potential employers of. (CX-2, p. 11). However, Claimant did not understand the difference between light-duty work and medium-duty work. (Tr. 130).

C. Testimony of Claimant Witness, Anne Adams

Anne Adams (Adams), the Human Resource Director at Hospitality, testified concerning Claimant's application for employment at their facility. (Tr. 18-20). Adams was aware that Claimant applied for a job at their facility because Hospitality keeps their applications on file for a year. Adams testified about Claimant's completed application for employment with Hospitality, as well as a screening evaluation and interview, which was completed by a Mr. Crawford, who is no longer with Hospitality. Adams testified that during the interview with Hospitality, Claimant rated a three out of a possible five for appearance. (Tr. 24). Additionally, Adams noted that if Claimant was unkept and/or unshaven and wearing inappropriate clothing, he probably would have scored a two or one on appearance. (Tr. 25). Concerning Claimant's personality, he rated a five out of a possible five, which indicated that he presented himself as a friendly and outgoing individual. (Tr. 25). Hospitality rated Claimant's attitude as a four out of five, and self-expression

as a five out of five. (Tr. 26).

However, Claimant was not offered a job at Hospitality because he had no experience in driving customers and he lacked the fundamental reading and writing skills necessary to complete the manifests utilized by the drivers. (Tr. 25-26). Adams further testified that had she known Claimant was unable to read and write, she would not have encouraged him to complete a job application. (Tr. 27). Adams further explained that, even if Claimant had experience in driving, she would not have hired him because he lacked the educational skills to complete the driving logs. (Tr. 37).

Contentions of the Parties

Claimant asserted that he diligently searched for suitable alternative employment, but received no job offers and thus continues to be permanently and totally disabled as a result of his December 18, 1996 workplace accident. Employer/Carrier asserted that they established suitable alternative employment and that Claimant did not make a diligent effort to secure such employment, thus Claimant is no longer permanently and totally disabled but rather is partially disabled under the Act.

IV. DISCUSSION

A. Suitable Alternative Employment

Once the case of total disability is established, the burden shifts to the employer to establish the availability of suitable alternative employment (SAE). Turner, 661 F.2d at 1038; P&M Crane, 930 F.2d at 430; Clophus v. Amoco Prod. Co., 21 BRBS 261 (1988). Total disability becomes partial on the earliest date on which the employer establishes SAE. Palombo v. Director, OWCP, 937 F.2d 70, 25 BRBS 1 (CRT) (D.C. Cir. 1991); Rinaldi v. General Dynamics Corp., 25 BRBS 128 (1991). An employer must show the existence of realistically available job opportunities within the geographical area where the employee resides which he is capable of performing, considering his age, education, work experience, and physical restrictions, and which he could secure if he diligently tried. An employer can meet its burden by offering the injured employee a light duty position at its facility, as long as the position does not constitute sheltered employment. Darden v. Newport News Shipbuilding & Dry Dock Co., 18 BRBS 224 (1986). If the employer does offer suitable work, the judge need not examine employment opportunities on the open market. Conover v. Sun Shipbuilding & Dry Dock Co., 11 BRBS 676, 679 (1979). If employer does not offer suitable work at its facility, the Fifth Circuit in Turner, established a two-pronged test by which employers can satisfy their alternative employment burden:

(1) Considering claimant's age, background, etc., what can claimant physically and mentally do following his injury, that is, what types of jobs is he capable of performing or capable of being trained to do?

(2) Within this category of jobs that the claimant is reasonably capable of performing, are there jobs reasonably available in the community for which the claimant is able to compete and he could realistically and likely secure? This second question in effect requires a determination of whether there exists a reasonable likelihood, given the claimant's age, education, and vocational background that he would be hired if he diligently sought the job.

661 F.2d at 1042; P&M Crane, 930 F.2d at 430.

If the employer meets its burden by establishing SAE, the burden shifts to the claimant to prove reasonable diligence in attempting to secure some type of SAE shown within the compass of opportunities, by the employer, to be reasonably attainable and available. Turner, 661 F.2d at 1043. Termed simply, the claimant must prove a diligent search and the willingness to work. Williams v. Halter Marine Serv., 19 BRBS 248 (1987). Moreover, if the claimant demonstrates that he diligently tried and was unable to obtain a job identified by the employer, he may prevail. Roger's Terminal & Shipping Corp. v. Director, OWCP, 784 F.2d 687, 18 BRBS 79 (CRT) (5th Cir.), *cert. denied*, 479 U.S. 826 (1986); Hooe v. Todd Shipyards Corp., 21 BRBS 258 (1988). If the claimant fails to satisfy this "complementary burden," there cannot be a finding of total and permanent disability under the Act. Turner, 661 F.2d at 1043; Southern v. Farmers Export Co., 17 BRBS 64 (1985).

Claimant initially met with Favalora, a vocational rehabilitation specialist, upon Employer's request, in October 1998, just days prior to the first hearing before me on the instant matter, to determine job possibilities for Claimant. Favalora completed a labor market survey immediately prior to that October 1998 hearing identifying six full-time positions she opined Claimant could perform. (EX-21). However, during that hearing it was requested that more specific information be obtained from Dr. French concerning Claimant's physical restrictions. Dr. French completed an OWCP-5 in April 1999, indicating Claimant could lift fifty to seventy-five pounds on an intermittent basis, with bending, squatting, climbing, kneeling and twisting limited to two to three hours daily. (EX-2). Favalora subsequently identified five jobs she felt would fit within the restrictions set forth by Dr. French in the OWCP-5. Dr. French approved all of the positions, which were then outlined in Favalora's June 23, 1999 labor market survey. (EX-3; EX-4). Claimant applied for all five of the positions, plus many other possible jobs, yet was unable to obtain employment. Additionally, Claimant had a clerk at the unemployment office check for available porter jobs in his geographic area, but none were available.

Favalora sent another letter to Dr. French dated May 22, 2000, in which she again identified two of the five prior identified positions, as well as three additional positions that she opined Claimant could perform. Dr. French approved all of the positions. (Tr. 78; EX-18). Claimant again applied for all five of the positions, plus many other possible jobs, yet had not secured employment by the time of the July 12,

2000 hearing before me on the instant matter.

Employer/Carrier attempted to prove that when Claimant applied for these jobs, he presented himself in an unprofessional manner. However, the testimony of Favalora and Adams proved otherwise. Favalora testified that several of the employers she contacted following Claimant's job interviews indicated that they would reconsider Claimant for a future job. (Tr. 83-84). Although the Wemco contact person allegedly indicated that Claimant had body odor when he applied for the job, none of the other employers noted this problem. In fact, Favalora testified that the employers that decided to keep Claimant's application on file were probably impressed with his presentation. (Tr. 83). Adams' testimony demonstrated Claimant's positive attitude and willingness to secure suitable alternative employment.

Claimant has very limited educational skills and experience in applying for jobs but has demonstrated a diligent effort to secure suitable alternative employment. As Claimant cannot read and write, the list of potential employers provided to him in late July 1999, which notably did not include any contact names, addresses and/or phone numbers, in and of itself, was of no benefit to Claimant. As Claimant has limited academic skills, each time he interviewed and completed an application, he used the form application completed by Favalora's office to assist him in securing a job. Claimant applied for nine of the eleven job leads provided by Favalora, took the initiative to follow up on thirteen additional job leads through his own efforts, as well he applied for re-employment on the riverfront through ILA and sought a porter position through the unemployment office.

Although Claimant has diligently searched for suitable alternative employment, he has received no job offers. Claimant continues to be totally disabled because he demonstrated a diligent effort to secure employment but was unsuccessful. Accordingly, I find Claimant continues to be permanently and totally disabled. Thus, Claimant is entitled to continuing compensation for his permanent and total disability under the Act.

V. ATTORNEY'S FEES

No award of attorney's fees for services to the Claimant is made herein since no application for fees has been made by Claimant's counsel. Counsel is hereby allowed thirty (30) days from the date of service of this decision to submit an application for attorney's fees. A service sheet showing that service has been made on all parties, including the Claimant, must accompany the petition. Parties have twenty (20) days following the receipt of such application within which to file any objections thereto. The Act prohibits the charging of a fee in the absence of an approved application.

VI. ORDER

Based upon the foregoing Findings of Fact, Conclusions of Law, and upon the entire record, I enter the following Order:

1. Employer/Carrier shall pay Claimant continuing compensation for permanent total disability pursuant to Section 8(a) of the Act based on Claimant's average weekly wage of $434.86. 33 U.S.C. § 908(a).

2. Claimant's attorney shall have thirty (30) days to file a fully supported fee application with the Office of Administrative Law Judges; a copy must be served on Claimant and opposing counsel who shall then have twenty (20) days to file any objections thereto.

ORDERED this 2nd day of October, 2000, at Metairie, Louisiana.

CLEMENT KENNINGTON
Administrative Law Judge